

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KITAS, Eric *et al.*
Serial No: 09/647,586
Filed: December 22, 2000
For: NEW COMPOUNDS FOR DNA TRANSFECTION
Art Unit: 1635
Examiner: Janet L. Epps-Ford, Ph.D.

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 C.F.R. §§ 1.821-1.825**

Mail Stop Sequence
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 18, 2004

Dear Sir:

The Sequence Listing filed herewith is in response to the Notice to Comply mailed on March 3, 2004.

The undersigned hereby states that the content of the Sequence Listing filed herewith and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same. Furthermore, the undersigned hereby states that the Sequence Listing filed herewith contains no new matter.

Respectfully submitted,

Marilyn L. Arnick
Reg. No. 30,444

Customer No. 23690
Roche Diagnostics Corp.
9115 Hague Road
Indianapolis, IN 46250
Phone: 317-521-7561
Fax: 317-521-2883

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **KITAS, Eric et al.**

Docket No.

RDID0063US

Serial No.

09/647,586

Filing Date

December 22, 2000

Examiner

Janet L. Epps-Ford, Ph.D.

Group Art Unit

1635Invention: **NEW COMPOUNDS FOR DNA TRANSFECTION**I hereby certify that this **Response to Notice to Comply***(Identify type of correspondence)*

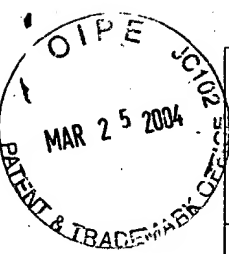
is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **March 19, 2004***(Date)***Michele R. Wilson***(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in cursive script that reads "Michele R. Wilson".

*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**

Image



Notice to Comply	Application No.	Applicant(s)	
	09/647,586	KITAS et al.	
	Examiner	Art Unit	
	Janet Epps-Ford	1635	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other :

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

DETAILED ACTION

Sequence Information

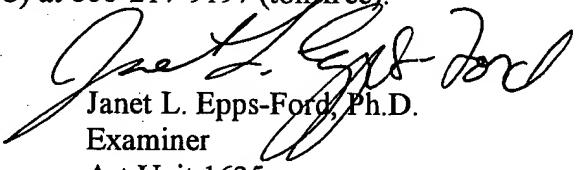
1. The communication filed 2-17-04 is not fully responsive to the Office communication mailed 7-02-03 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.
2. Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1635

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Ford, Ph.D. whose telephone number is 571-272-0757. The examiner can normally be reached on Monday-Saturday, Flex Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 571-272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Janet L. Epps-Ford, Ph.D.
Examiner
Art Unit 1635

JLE